

Indiana Department of Education

Division of Exceptional Learners

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1874.02
COMPLAINT INVESTIGATOR:	John Hill
DATE OF COMPLAINT:	February 12, 2002
DATE OF REPORT:	March 14, 2002
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	April 9, 2002

COMPLAINT ISSUES:

Whether the Jay School Corporataion violated:

- 511 IAC 7-30-1(h) by failing to ensure the confidentiality of a mediation session when an individual, participating in the mediation session at the school's request, submitted details of the mediation session in a civil proceeding.

FINDINGS OF FACT:

1. The Student is seven years old and has been determined eligible for special education and related services as a student with a communication disorder, an other health impairment, and an emotional disability.
2. On February 26, 2001, the parent and the school requested a mediator in an attempt to resolve a disagreement about the Student's placement and services. A mediation session was conducted on March 12, 2001.
3. At the time of the request for mediation, the Student was subject to the jurisdiction of the local circuit court. On March 22, 2001, the court ordered the caseworker from the office of family and children (OFC caseworker) to "obtain or prepare written summary of mediation session recently conducted by all parties and file within 10 days."
4. The OFC caseworker, who had attended the mediation session, filed a written summary with the court on April 2, 2001, identifying the session participants, issues discussed, and the result of the session.

CONCLUSION:

511 IAC 7-30-1(h) precludes discussions occurring during a special education mediation session from being used as evidence in any due process hearings or civil proceedings. Findings of Fact #2, #3, and #4 reflect that a written summary of the mediation session was filed with the court as part of a civil proceeding. Although, a violation of 511 IAC 7-30-1(h) has occurred, it was

occasioned by parties over whom neither the school nor the Department of Education has any authority.

The Department of Education, Division of Special Education requires no corrective action based on the Findings of Fact and Conclusions listed above.

DATE REPORT COMPLETED: March 14, 2002